

000897		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMB (FOR AUDITOR'S US) 330 10/21			
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Development Services Department		3. DATE: 09/12/08			
4. SUBJECT: Salk Institute							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) Laura C. Black, 446.5112, MS 501		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Tim Daly, 446.5356, MS 501		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>			
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST: No cost to the City. All costs are recovered through a deposit account funded by the applicant.			
DEPT.	1300						
ORGANIZATION	1671						
OBJECT ACCOUNT	4022						
JOB ORDER	423122						
C.I.P. NUMBER	N/A						
AMOUNT							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	KELLY BROUGHTON <i>[Signature]</i>	9/14/08	8	DEPUTY CHIEF	WILLIAM ANDERSON <i>[Signature]</i>	9/16/08
2	EAS	ALLISON SHERWOOD <i>[Signature]</i>	9-15-08	9	COO		
3				10	CITY ATTORNEY	NINA FAIN <i>[Signature]</i>	9/25/08
4	CFO			11	ORIG. DEPT	MIKE WESTLAKE <i>[Signature]</i>	9/12/08
5				DOCKET COORD: _____ COUNCIL LIAISON: _____ <input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
6							
7							
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S) 1) Council resolution certifying that the information contained in Project No. 44675 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Environmental Impact Report No. 44675, SCH No. 2004111049 reflects the independent judgement of the City of San Diego as Lead Agency, stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project, certifying the final Environmental Impact Report, adopting Findings and Statement of Overriding Considerations, and adopting the Mitigation, Monitoring, and Reporting Program. 2) Council resolution approving the Vesting Tentative Map No. 369518 with an easement abandonment. 3) Council resolutions approving the Master Planned Development Permit No. 561577, Coastal Development Permit No. 126996, Site Development Permit No. 127002, Amendment to CDP/HRP/CUP No. 90-1140, and a Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment.							
11A. STAFF RECOMMENDATION: Approve Resolutions.							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.) <u>COUNCIL DISTRICT(S): ONE</u> <u>COMMUNITY AREA(S): UNIVERSITY</u> <u>ENVIRONMENTAL IMPACT:</u> The City of San Diego as Lead Agency under CEQA has prepared and completed a Environmental Impact Report, Project No. 44675, dated June 23, 2008, and Mitigation, Monitoring, and Reporting Program covering this activity. <u>OTHER ISSUES:</u> 1. Public noticing is required. 2. Return copies of each resolution and permit to Laura C. Black, MS-501. 3. Council action requires a majority vote and is not subject to Mayor's Veto.							

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: August 28, 2008 REPORT NO.: PC-08-083
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services Department
SUBJECT: Salk Institute, Project No. 44675
COUNCIL DISTRICT: One.
STAFF CONTACT: Laura C. Black, 619.446.5112, lblack@sanidiego.gov

REQUESTED ACTION:

Approval of the phased expansion of the existing Salk Institute, located at 10010 North Torrey Pines Road, west of North Torrey Pines Road and south of Torrey Pines Scenic Drive within the University Community Plan area.

STAFF RECOMMENDATIONS:

1. **CERTIFY** Environmental Impact Report No. 44675, **ADOPT** the Mitigation Monitoring and Reporting Program, and **ADOPT** the applicant's Findings and Statement of Overriding Considerations.
2. **APPROVE** Vesting Tentative Map No. 369518, Master Planned Development Permit No. 561577, Coastal Development Permit No. 126996, Site Development Permit No. 127002, an amendment to CDP/HRP/CUP No. 90-1140, Easement Abandonment No. 130269, Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment.

EXECUTIVE SUMMARY:

The original Salk Institute Campus was approved by Planning Commission on March 3, 1961 under a Conditional Use Permit (CUP) No. 3841, with the first buildings completed in 1965. The Salk Institute Campus has expanded since the approval of CUP No. 3841, through six amendments, with the most recent amendment approving the East Building, which was approved on May 30, 1991. Currently, approximately 18.4 acres of the site is developed with approximately 289,800 square-feet of scientific research and support facilities. On February 27, 1991, the San Diego Historic Sites Board voted to include the Salk Institute as Historic Site No. 304 in the San Diego Historical Resources Register on the basis of its association with Louis Kahn and Jonas Salk and for its "architectural significance".

The project proposes a phased expansion to the existing Salk Institute Campus. The proposed project includes the demolition of the West Buildings (20,000 square-feet) and Accessory Building (9,000 square-feet) and the phased construction of the Torrey East Laboratory Building (94,200 square-feet), Salk Community Center Building (117,000 square-feet), North Peninsula Underground Parking Facility, and Greenhouses (4,000 square-feet), for a total of 476,000 square feet of building area upon completion. The Salk Institute is located on a 26.3 acre site, currently improved with approximately 289,800 square feet of development, at 10010 North Torrey Pines Road in the RS 1-7, Coastal Overlay (Coastal Commission Appealable Area), Parking Impact Overlay, Community Plan Implementation Overlay Zone – Area A (CPIOZ-A), Coastal Height Limitation Overlay Zones, First Public Roadway, within the University Community Plan

and the North City Local Coastal Program. The proposed development would provide on-site parking through the construction of two new underground parking garages near the locations of existing on-site surface parking lots. Proposed Lot No. 3 will provide approximately 7.1 acres into a conservation easement to preserve the existing habitat.

The project is within the Torrey Pines Subarea of the University Community Plan and is designated for Scientific Research uses. The development intensity element allows 500,000 square feet of Scientific Research uses. When the site is completely developed from this phased expansion, the campus will have 476,000 square feet of scientific research uses.

The project is requesting a deviation from the 30-foot height limit in the RS-1-7 residential zone (SDMC Table 131-04D and SDMC 131.0444(b) for the Salk Community Center Building. However, this building, and all others proposed in the Master Plan will comply with the City's Coastal Height Limit Overlay Zone requirements within SDMC 132.0505. Environmental Impact Report (EIR) No. 44675 has been prepared for the project.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this vacation are recovered by a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None

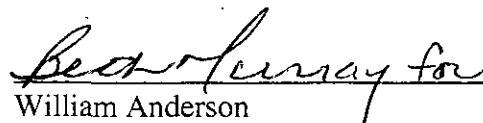
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 4, 2008, the Planning Commission voted to approve the project on consent by a vote of 4-0. On July 8, 2008, the University Community Planning Group voted 13-0-0 to recommend approval, with no conditions. On July 24, 2008, the Historical Resources Board voted 5-4 to recommend approval of the supplemental historical findings for the Site Development Permit. On November 13, 2007, the San Diego County Regional Airport Authority, Airport Land Use Commission determined that the project is consistent with the Marine Corps Air Station Miramar Land Use Compatibility Plan.

KEY STAKEHOLDERS:

The Salk Institute for Biological Studies, Garry Van Gerpen, Director of Facilities Services
Mark Rowson, Land Development Strategies, Inc.


Kelly Broughton
Director, Development Services Department


William Anderson
Deputy Chief Operating Officer:
Executive Director of City Planning
and Development

000901

NOTICE OF DETERMINATION

TO: ☒ Recorder/County Clerk
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

☒ Office of Planning and Research
P.O. Box 1750, MS A33
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Number: 44675

State Clearinghouse Number: 2004111049

Project Title: Salk Institute Master Plan

Project Location: The project is located at 10010 North Torrey Pines Road, north of Salk Institute Road, within the Coastal Zone and the University Community Planning area, City of San Diego. Applicant: Garry Van Gerpen, Salk Institute for Biological Studies, 10010 North Torrey Pines Road, La Jolla, California, 92037. Phone: (858) 453-4100 ext. 1432.

Project Description: Vesting Tentative Map, Master Planned Development Permit, Coastal Development Permit, Site Development Permit, an amendment to CDP/HRP/CUP No. 90-1140, Easement Abandonment, and a Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment to permit construction of new scientific research facilities and accessory uses on the existing Salk Institute campus. The proposed project is located within the Coastal Zone portion of the University Community Planning Area.

This is to advise that the City of San Diego City Council on October 21, 2008, approved the above described project and made the following determinations:

1. The project in its approved form ☐ will, ☒ will not, have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.

☐ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

3. Mitigation measures ☒ were, ☐ were not, made a condition of the approval of the project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Entitlements Division, Fifth Floor, 1222 First Avenue, San Diego, CA 92101.

Analyst: Sherwood

Telephone: (619) 446-5379

Filed by: _____
Signature

Reference: California Public Resources Code, Sections 21108 and 21152.

Title

(A)

000903

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO CERTIFYING ENVIRONMENTAL
IMPACT REPORT LDR NO. 44675, ADOPTING THE
MITIGATION, MONITORING, AND REPORTING
PROGRAM AND ADOPTING THE STATEMENT OF
OVERRIDING CONSIDERATIONS FOR THE SALK
INSTITUTE PROJECT.

WHEREAS, the Salk Institute for Biological Studies, a California non-profit public benefit corporation, Owner/Permittee, filed an application with the City of San Diego for a Coastal Development Permit, Site Development Permit, Master Planned Development Permit, Multi-Habitat Planning Area boundary line adjustment, and amendment to Coastal Development Permit/Hillside Resource Protection/Conditional Use Permit No.90-1140 for the Salk Institute Project to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet on portions of a 26.34-acre site, located at 10010 North Torrey Pines Road and legally described as Portion of Parcel 1 of Parcel Map No.14013, in the University Community Plan [UCP] area, in the R-S-1-7 zone, Coastal Overlay (Appealable), Coastal Height Limit Overlay, and Community Plan Implementation Overlay (Area A – CPIOZ-A) Zones; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals

affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on _____;
and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report LDR No. 44675; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Environmental Impact Report LDR No. 44675, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a

000905

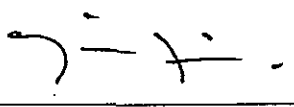
copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Nina M. Fain
Deputy City Attorney

NMF:mm
09/16/08
Or.Dept:DSD
R-2007-326
MMS#6729

000906

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
THE SALK INSTITUTE

EIR LDR NO. 44675, Project No. 44675

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with California Public Resources Code section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. The City of San Diego, Engineering and Capital Projects Department and the Development Services Department are jointly responsible for ensuring that this program is carried out.

EXHIBIT C**MITIGATION MONITORING AND REPORTING PROGRAM**

SALK INSTITUTE MASTER PLAN, Vesting Tentative Map, Master Planned Development Permit, Coastal Development Permit, Site Development Permit, an amendment to CDP/HRP/CUP No. 90-1140, Easement Abandonment, and a Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment

PROJECT NO. 44675

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 44675 shall be made conditions of Vesting Tentative Map, Master Planned Development Permit, Coastal Development Permit, Site Development Permit, an amendment to CDP/HRP/CUP No. 90-1140, Easement Abandonment, and a Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment as may be further described below.

GENERAL

1. Prior to issuance of a Notice to Proceed (NTC), the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that Mitigation Measures 5.4-1 through 5.4-14 (Historical Resources) and 5.10-1 through 5.10-5 (Paleontological Resources) have been included in their entirety on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
2. Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Project Biologist, Project Archaeologist and Paleontologist, Applicant and other parties of interest.
3. Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

A. BIOLOGICAL RESOURCES

Impacts to sensitive upland habitats total less than 0.1 acre (i.e., 0.08 acre) and thus are not considered significant according to the City's significance guidelines. No impacts would occur to wetland or

riparian habitats, southern willow scrub, or vernal pools. No mitigation for habitat impacts is required. A total of approximately 7.82 acres of habitat would be preserved on site. A net 1.27 acres is proposed to be added to the MHPA preserve. Preserved habitats include maritime succulent scrub, Diegan coastal sage scrub (including disturbed), southern maritime chaparral, southern mixed chaparral, non-native grassland, southern willow scrub, and vernal pools.

The following measure would reduce potential biological resource impacts to nesting raptors to below a level of significance.

5.3-1 If removal of any eucalyptus trees or other trees used by raptors for nesting within the development area for the Torrey East Building and greenhouses is proposed during the raptor breeding season (February 1 through September 15), a qualified biologist shall ensure that no raptors are nesting in such trees, to the satisfaction of the Mayor/Environmental Designee. If construction occurs during the raptor breeding season, a preconstruction survey shall be conducted and no construction shall occur within 300 to 500 feet of any occupied nest(s) until the young fledge. Should the biologist determine that raptors are nesting, the trees shall not be removed until after the breeding season.

To ensure Habitat Management Plan (HMP) implementation, the following measure that requires applicant funding for the HMP endowment is provided.

5.3-2 Prior to issuance of the first grading permit which would allow the disturbance of native habitat, the project applicant shall fully fund the Habitat Management Plan endowment of \$44,500.

Indirect impacts due to noise, brush management/invasive species intrusion, and grading/land development are potentially significant despite compliance with City regulations and the MSCP Subarea Plan; however, measures described below would mitigate such impacts to a level less than significant and ensure that the proposed project is in conformance with the MSCP Land Use Adjacency Guidelines.

5.3-3 Prior to the first pre-construction meeting for the Salk Community Center Building, north lawn core facility and northern parking structure, the Mayor/Environmental Designee shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

- No clearing, grubbing, grading, or other construction activities shall occur within 500 feet of the MHPA between March 1 and August 15, the breeding season of the

coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the Mayor/Environmental Designee:

- A. A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (coastal sage scrub) areas within the off-site MHPA that lie within 500 feet of the project footprint and would be subject to construction noise levels exceeding 60 dB(A) hourly average for the presence of the coastal California gnatcatcher. If no appropriate habitat is present then the surveys will not be required. If appropriate habitat is present, surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If gnatcatchers are present within the MHPA, then the following conditions must be met:
- I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
- II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat within the MHPA. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the Mayor/Environmental Designee at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
- III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not

exceed 60 dB(A) hourly average at the edge of habitat (within the MHPA) occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area within the MHPA to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

*Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat within the MHPA are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the Mayor/Environmental Designee, as necessary, to reduce noise levels within occupied MHPA habitat to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

If coastal California gnatcatchers are not detected within the MHPA during the protocol survey, the qualified biologist shall submit substantial evidence to the Mayor/Environmental Designee and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:

- If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then Condition A.III shall be adhered to as specified above.
- If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

5.3-4 Prior to issuance of any grading permits for projects adjacent to the MHPA, the City shall review the final landscaping plan(s) for the Salk Community Center to ensure

that plants in any category of the California Invasive Plant Council (Cal-IPC) 2006 list, or otherwise known to the City to be invasive species, are not being used.

- 5.3-5 Prior to grubbing, clearing, and/or grading for the Salk Community Center Building and northern parking garage, a pre-construction meeting shall be conducted with the project biologist and the construction supervisors. All sensitive areas to be avoided shall be flagged, and the contractors shall be informed regarding no-entry areas.
- 5.3-6 Prior to grubbing, clearing, and/or grading for the Salk Community Center Building and northern parking garage, the entire limits of grading shall be fenced with silt fencing and orange construction fencing to preclude entry into sensitive MHPA or other preserved areas.
- 5.3-7 During grading for the Salk Community Center Building and northern parking garage, a biological monitor shall conduct site visits to assure that construction personnel and equipment do not encroach upon any sensitive areas.

B. HISTORICAL RESOURCES

The following measures would reduce potential historical resource impacts related to spatial relationships and the east parking lot landscaping, associated with Rehabilitation Standards 2 and 9, to below a level of significance.

- 5.4-1 All healthy Chinese Fringe trees shall be carefully removed from the planting beds within the existing east parking lot and replanted as part of the landscaping for the proposed Torrey East Building. The trees shall remain in proximity to their original location and provide a tangible link to the history of the site.
- 5.4-2 The landscape concept plan shall restore as much of the Institute's original perimeter plantings as possible, as shown in the Landscape Design Guidelines. The Institute shall inventory its existing perimeter plantings, assess the health of individual specimens and replant as necessary. Replanted trees, especially those surrounding the Kahn-designed portions of the Institute, shall be identical to those species originally planted and identified on the 1965 Landscape Plan, and other landscaping shall use the same "palette" of species as that identified on the 1965 Landscape Plan, to the extent practicable given existing City regulations.

- 5.4-3 The final design for the Torrey East Building shall feature a ground-level, two-story transparent atrium space designed **to permit limited visibility along** the same axis as the courtyard of the original laboratory building, in accordance with the Architectural Design Guidelines.

The following measures would avoid or reduce potential impacts to Camp Callan-related historic-era archaeological resources on the north mesa to below a level of significance.

5.4-4 Prior to Permit Issuance

(A) Entitlements Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for archaeological monitoring have been noted on the appropriate construction documents.

(B) Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

(a) 5.4-5 Prior to Start of Construction

(A) Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (¼ mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

(B) PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule

to MMC through the RE indicating when and where monitoring will occur.

- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5.4-6 During Construction

(A) The Monitor Shall Be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

(B) Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery

and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

(C) Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

5.4-7 Night and/or Weekend Work

(A) If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon Meeting.
2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or

weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

(B) If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

(C) All other procedures described above shall apply, as appropriate.

5.4-8 Post-Construction(A) Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

(B) Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected

are cleaned and catalogued

2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

(C) Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

(D) Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The following measures would avoid or reduce potential impacts to unknown prehistoric archaeological resources on the project site to below a level of significance.

5.4-9 Prior to Permit Issuance

(A) Entitlements Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for archaeological monitoring and Native American monitoring have been noted on the appropriate construction documents.

(B) Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

(b) 5.4-10 Prior to Start of Construction(A) Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (¼ mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning

expectations and probabilities of discovery during trenching and/or grading activities.

3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

(B) PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program.

This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5.4-11 During Construction

(A) The Monitor Shall Be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

(B) Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

(C) Determination of Significance

1. The PI AND Native American Monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in MM 5.4-11 below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

5.4-12 Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

(A) Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

(B) Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

(C) If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;

- b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
- c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

(D) If Human Remains are NOT Native American

- 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
- 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
- 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

5.4-13 Night and/or Weekend Work(A) If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon Meeting.
2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

(B) If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

(C) All other procedures described above shall apply, as appropriate.

5.4-14 Post-Construction(A) Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

(B) Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected

are cleaned and catalogued

2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

(C) Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

(D) Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution

C. TRAFFIC AND CIRCULATION

Mitigation for project impacts to the intersection of I-5/Genesee Avenue would involve payment of fair-share fees by the project applicant and others that would contribute funding toward planned intersection improvements. The improvements would replace the Genesee Avenue overpass at I-5,

install two additional lanes and dual left turn lanes along Genesee Avenue and make freeway ramp meter changes. Since the improvements to the I-5/Genesee intersection are not assured at this time, direct and cumulative impacts would remain significant and unmitigable until such improvements are constructed, despite the implementation of the following mitigation measures.

- 5.5-1 Prior to issuance of a certificate of occupancy on project buildings that would contribute new traffic, the project applicant shall contribute funds at a rate of \$1,000.00 per trip impacting the freeway, up to \$353,000.00 (see Table 9-9 in Appendix D), for regional improvements at the I-5/Genesee Avenue intersection, to the satisfaction of the City Engineer. This contribution shall be paid as certificate of occupancy permit(s) are issued during the phased project buildout.
- 5.5-2 The project applicant shall continue to participate in the current TDM shuttle arrangement. Prior to certificate of occupancy on buildings that would create new traffic, the applicant shall determine whether it will continue to participate in the current arrangement or begin to provide a private shuttle service for its employees between the project site and the regional transit centers. Regardless of which shuttle arrangement is chosen, the applicant shall provide transit pass subsidies for its employees and provide a kiosk or bulletin board on the campus displaying information on transit uses, carpooling, and other forms of ridesharing.

D. NOISE

The following construction noise control measures shall be incorporated into the contractor specifications and used to reduce temporary construction noise to below significant levels:

- 5.7-1 Prior to the commencement of construction, the construction contractor shall contact a qualified acoustician to prepare a construction noise control plan(s). The plan(s) shall evaluate noise levels based on actual sound levels and acoustic heights of equipment proposed for use. The plan(s) shall identify appropriate methods for achieving the 75 dB L_{eq} threshold averaged over 12 hours. Methods could include the use of noise barriers and/or operational adjustments.
- 5.7-2 Only equipment capable of performing necessary tasks with the lowest possible sound level and acoustic height shall be used.
- 5.7-3 All construction equipment shall be operated and maintained so as to minimize noise

generation. Equipment and vehicles shall be kept in good repair and fitted with manufacturer- recommended mufflers.

- 5.7-4 If deemed necessary by an acoustical consultant, shielding in the form of temporary barriers shall be provided for standard activity, and portable noise screens or enclosures shall be utilized for high-noise activities/with equipment. The noise barriers used must block line-of-sight between source and receiver, be constructed of solid material and be long enough to prevent sound from flanking around the end of the barrier.

E. PALEONTOLOGICAL RESOURCES

The following measures would avoid or reduce potential impacts to paleontological resources below a level of significance.

5.10-1 *Prior to Permit Issuance*

A. Entitlements Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

*5.10-2 Prior to Start of Construction***A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

5.10-3 *During Construction*

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

5.10-4 *Night and/or Weekend Work*

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV-R and submit to MMC via fax by 8AM on the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

5.10-5 *Post Construction*

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance. The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING VESTING TENTATIVE
MAP NO. 369518 AND EASEMENT ABANDONMENT
NO. 130269 FOR SALK INSTITUTE PROJECT NO.
44675.

WHEREAS, the Salk Institute for Biological Studies, a California non-profit public benefit corporation, Applicant/Subdivider, and Latitude 33, Engineer, submitted an application to the City of San Diego for Vesting Tentative Map [VTM] No. 369518 and Easement Abandonment No. 130269, to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities for a total build out of 476,000 square feet on portions of a 26.34 acre site, to be known as the Salk Institute Project, located at 10010 North Torrey Pines Road and legally described as Portion of Parcel 1 of Parcel Map No. 14013, in the RS-1-7, Coastal Overlay (Appealable), Coastal Height Limit Overlay, and Community Plan Implementation Overlay (Area A – CPIOZ-A) Zones within the University Community Plan [UCP]; and

WHEREAS, the VTM proposes the subdivision of a 26.34 site into 4 parcels for scientific research development; and

WHEREAS, a public service easement may be abandoned by filing a tentative map pursuant to the Subdivision Map Act section 66499.20 ½; and

WHEREAS, a public service easement may be summarily abandoned pursuant to San Diego Municipal Code [SDMC] section 125.1010 if it does not contain active public

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utility facilities that would be affected by the abandonment, the easement has been superseded by relocation, and there are no other public facilities located within the easement; and

WHEREAS, on September 4, 2008, the Planning Commission of the City of San Diego considered VTM No. 369518 and Easement Abandonment No. 130269, and pursuant to Resolution No. _____-PC voted to recommend to City Council the approval of the VTM and easement abandonment; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 369518 and Easement Abandonment No. 130269:

A. Vesting Tentative Map Findings

1. The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plans. (SDMC § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code. (SDMC § 125.0440(b)).

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3. The site is physically suitable for the type and density of development. (SDMC §125.0440c and Subdivision Map Act §§ 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. (SDMC §125.0440(d) and Subdivision Map Act § 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare. (SDMC §125.0440(e) and Subdivision Map Act § 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. (SDMC § 125.0440(f) and Subdivision Map Act § 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities. (SDMC §125.0440(g) and Subdivision Map Act § 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources. (SDMC §125.0440(h) and Subdivision Map Act § 66412.3).

B. Public Serve Easement Abandonment Findings – SDMC Section 125.1040

1. **There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.** The proposed development is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of Laboratory and R&D, for a total build out of 476,000 square feet, on an existing 26.34 acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. In 2007, the City of San Diego completed construction of a pump station in the southwest corner of the south mesa of the Institute property. As a part of constructing that pump station, the City of San Diego abandoned certain pre-existing sewer facilities on the property. The Salk Institute is requesting abandonment of the easements related to such pre-existing sewer facilities. There is no present or prospective public use for such sewer easements, since the facilities for which they were originally acquired are now abandoned. There is no other public use of a like nature that can be anticipated for such easements on the project site.

2. **The public will benefit from the action through improved utilization of the land made available by the abandonment.** The proposed development is to

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demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of Laboratory and R&D, for a total build out of 476,000 square feet, on an existing 26.34 acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The land encumbered by the abandoned sewer easements lies in areas of the project site that are not proposed to be developed, namely setback areas and at the corner of North Torrey Pines Road and Salk Institute Drive. As such, there is no impact on the public's use of the land made available by abandoning the easements, and the public will benefit from the abandonment of the sewer easement through improved utilization of the land by the proposed development to expand the Salk Institute Campus.

3. The abandonment is consistent with any applicable land use plan.

The proposed development is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of Laboratory and R&D, for a total build out of 476,000 square feet, on an existing 26.34 acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed abandonment of the sewer easements and use of the property is consistent with the City of San Diego Progress Guide and General Plan, the UCP and the North City Local Coastal Program/Land Use Plan as the proposed development and its implementation is also consistent with these adopted policies.

4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists. The proposed development is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of Laboratory and R&D, for a total build out of 476,000 square feet, on an existing 26.34 acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. In 2007, the City of San Diego completed construction of a pump station in the southwest corner of the south mesa of the Institute property. As a part of constructing that pump station, the City of San Diego abandoned certain pre-existing sewer facilities on the property. The Salk Institute is requesting abandonment of the easements related to such pre-existing sewer facilities. There is no present or prospective public use for such sewer easements, since the facilities for which they were originally acquired are now abandoned. As such, the purpose for which the easements were acquired no longer exists.

The above Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434 (g), pump station site and sewer, water, drainage and utilities easement, all

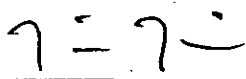
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granted per document recorded December 19, 1961 file No. 219052, Series 2, Book 1961, located within the project boundaries as shown in Vesting Tentative Map No. 369518, shall be abandoned, contingent upon the recordation of the approved VTM for the project.

BE IT FURTHER RESOLVED that Vesting Tentative Map No. 369518 and Easement Abandonment No. 130269, are hereby GRANTED to Salk Institute for Biological Studies, Applicant/Subdivider, and Latitude 33, Engineer, subject to the attached conditions which are attached hereto as Attachment A and are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Nina M. Fain
Deputy City Attorney

NMF:mm
09/16/08
Or.Dept:DSD
R-2007-281
MMS#6729

Attachment A: CONDITIONS FOR VESTING TENTATIVE MAP NO. 369518

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Attachment A

(B)

CONDITIONS FOR VESTING TENTATIVE MAP NO. 369518

SALK INSTITUTE PROJECT NO. 44675

ADOPTED BY RESOLUTION NO. R-_____ ON _____.

GENERAL

1. Vesting Tentative Map [VTM] No. 369518 will expire on _____.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the issuance of the Parcel Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
4. The Parcel Map shall conform to the provisions of Coastal Development Permit No. 126996, Site Development Permit No. 127002, Master Planned Development Permit No. 561577 and Easement Abandonment No. 130269.
5. The Subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorneys' fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Subdivider of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Subdivider shall pay all of the costs related thereto, including without limitation reasonable attorneys' fees and costs. In the event of a disagreement between the City and Subdivider regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by Subdivider.

6. This Tentative Map is a Vesting Tentative Map [VTM]. As such, the Subdivider shall pay an additional \$300.00 fee to the Development Services Department for each final map processed in connection with this vesting tentative map.
7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
9. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on VTM No. 369518 and covered in these special conditions will be authorized.
10. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.
11. All public sewer facilities shall be designed and constructed in accordance with the most current edition of the City of San Diego Sewer Design Guidelines.
12. All public water facilities shall be designed and constricted in accordance with the most current edition of the City of San Diego's Water Facility Design Guidelines and City regulations, standards, and practices relating thereto.

MAPPING

13. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
14. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
15. The Parcel Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The

angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearing may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid to ground distances shall be shown on the map.

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. At the time of final engineering, it will be determined if off site improvements will be required to provide adequate and acceptable levels of service.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within 90 days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer pursuant to San Diego Municipal Code section 142.0607.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING COASTAL DEVELOPMENT PERMIT NO. 126996, SITE DEVELOPMENT PERMIT NO. 127002, MASTER PLANNED DEVELOPMENT PERMIT NO. 561577, MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT, AND AMENDMENT TO COASTAL DEVELOPMENT/ HILLSIDE RESOURCE PROTECTION/CONDITIONAL USE PERMIT NO. 90-1140 FOR THE SALK INSTITUTE PROJECT.

WHEREAS, the Salk Institute for Biological Studies, a California non-profit public benefit corporation, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit/site development permit, master planned development permit, Multi-Habitat Planning Area [MHPA] boundary line adjustment, and amendment to Coastal Development Permit/Hillside Resource Protection [HRP]/Conditional Use Permit [CUP] No.90-1140 for the Salk Institute Project to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet on portions of a 26.34-acre site, located at 10010 North Torrey Pines Road and legally described as Portion of Parcel 1 of Parcel Map No.14013, in the University Community Plan [UCP] area, in the R-S-1-7 zone, Coastal Overlay (Appealable), Coastal Height Limit Overlay, and Community Plan Implementation Overlay (Area A – CPIOZ-A) Zones; and

WHEREAS, on September 4, 2008, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No.126996, Site Development Permit [SDP] No.127002, Master Planned Development Permit [MPDP] No. 561577/MHPA boundary

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line adjustment, and amendment to CDP/HRP/CUP No. 90-1140, pursuant to the Land Development Code of the City of San Diego and pursuant to Resolution No. 4445-PC voted to recommend to the City Council the approval of the Permits; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning same; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings, with respect to CDP No. 126996/SDP No. 127002/MPDP No. 561577/MHPA boundary line adjustment, and amendment to CDP/HRP/CUP No. 90-1140:

A. COASTAL DEVELOPMENT PERMIT FINDINGS - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development does not encroach on any existing physical access way that is legally used by the public or any proposed public access way identified in the Local Coastal Program land use plan.

The proposed location of buildings on the project site would prevent blockage of the public view corridors identified in the UCP. While the proposed Salk Community Center

Building would encroach into certain long-range views of the ocean and the La Jolla coastline from Torrey Pines Scenic Drive, the proposed Community Center Building would not encroach into any designated view corridor within the UCP. Furthermore, the proposed project would enhance public views by removing visual clutter caused by the existing parking lot and lighting and would create a substantial view corridor atop the proposed underground parking garage. The proposed development creating this view corridor would be consistent with local and regional land use documents protecting views, including the UCP, the North City Local Coastal Program land use plan, and the City's General Plan. Therefore, the proposed development will enhance and protect public views to and along the ocean.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project would require a conservation easement to encumber the entire south mesa of the project site to ensure that the Institute doesn't expand development into this area of the campus. This easement will minimize potential impacts to environmentally sensitive lands.

The proposed development would impact 0.08 acres of sensitive on-site vegetation, including 0.03 acres of maritime succulent scrub (Tier I), and 0.05 acres of Diegan coastal sage scrub (Tier II). In addition, impacts to 8.9 acres of non-sensitive, disturbed habitat would be less than significant according to the City's Multiple Species Conservation Program [MSCP] and the Biology Guidelines. The project would also conform to the MSCP Guidelines with regard to land use adjacency requirements. The proposed MHPA boundary line adjustment would result in dedication of a larger on-site biological open space easement than required to offset habitat removal. The proposed MHPA dedication area (Proposed Lot 3) contains sensitive native habitats. All direct impacts to sensitive species would be mitigated in accordance with the City's Biology Guidelines and the MSCP. The proposed project impacts to habitat would be less than significant and none of the project features would directly impact any City wetlands or their buffers. As such, the proposed buildings are sited in appropriate locations, best physically suited for development and will not adversely impact environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for Scientific Research uses. The Development Intensity Element of the UCP allows up to 500,000 square feet of scientific research facilities to be developed on this site. The proposed project is consistent with the use and intensity. The site is currently developed with 289,800 square-feet of scientific research facilities. The proposed development conforms to the University Community Plan and North City Local Coastal Program land use plan. The project

would implement the land use plans by expanding the Institute's scientific research facilities in a manner that balances the sensitive natural and historic resources with the Institute's expanding research needs. Therefore, the project is in conformity with the certified coastal program land use plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The western property line of the Salk Institute site is approximately 1200 feet from the Pacific Ocean shoreline. The first public roadway adjacent to this property is North Torrey Pines Road. The first public roadway from the Pacific Ocean is North Torrey Pines Road. There will be no impacts to public parking because the development would provide the required off-street parking spaces. The project is surrounded by development to the east and south, with city owned park land to the north of the project site. The proposed coastal development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. SITE DEVELOPMENT PERMIT FINDINGS – SDMC SECTION 126.0504:

1. Findings for all Site Developments

a. The proposed development will not adversely affect the applicable land use plan. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for scientific research uses. The Development Intensity Element of the UCP allows up to 500,000 square feet of scientific research facilities to be developed on this site. The proposed project is consistent with the use and intensity. The site is currently developed with 289,800 square-feet of scientific research facilities. Since the Salk Institute was founded, there have been changes in the scientific research field, including new technologies, shifting demographics of the scientists to a younger and more gender-mixed population, and increases in the number of employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and accommodates new and emerging research technologies. Therefore, the project will not adversely affect the adopted land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre

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site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the University Community Plan and the North City Local Coastal Program. The proposed development has been designed and will be constructed to meet all applicable zoning, building, fire, and other regulations as imposed by the City of San Diego, the State of California, and all federal agencies. An Environmental Impact Report [EIR] has been prepared for the project in accordance with the California Environmental Quality Act [CEQA]. A Mitigation, Monitoring, and Reporting Program [MMRP] has been incorporated into the permit conditions and will address the following environmental issues: Biological Resources, Historical Resources (Designated Site), Historical Resources (Archaeology), Noise, Paleontological Resources, and Traffic. As such, the proposed development will not be detrimental to the public health, safety, and welfare.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development will provide scientific research facilities as designated within the UCP. Further, the proposed development is consistent with the scale of the existing buildings on the project site and is designed to minimize visual impacts by maintaining the spatial relationship between the buildings within the entire campus. The proposed development is architecturally consistent in terms of style and materials with the existing buildings on site and also with the surrounding development and the adjoining community.

The proposed development has been designed to comply with the Land Development Code, including requirements for zoning, setbacks, floor area ratio, street design, open space, grading, landscaping, parking, and all other development criteria, as allowed through a Planned Development Permit. Development of the Salk Community Center will require a deviation from the 30 foot height restriction of the residential base zone RS-1-7, although the entire project meets the height restrictions of the Coastal Height Limit Overlay Zone. Upon the approval of such deviation, the project will fully comply with the regulations of the Land Development Code.

2. Supplemental Site Development Permit Findings – Environmentally Sensitive Lands

a. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project would require a conservation easement to encumber the entire south mesa of the project site to ensure that the Institute doesn't expand development into this

area of the campus. This easement will minimize potential impacts to environmentally sensitive lands.

The proposed development would impact 0.08 acres of sensitive on-site vegetation, including 0.03 acres of maritime succulent scrub (Tier I), and 0.05 acres of Diegan coastal sage scrub (Tier II). In addition, impacts to 8.9 acres of non-sensitive, disturbed habitat would be less than significant according to the City's MSCP and the Biology Guidelines. The project would also conform to the MSCP Guidelines with regard to land use adjacency requirements. The proposed MHPA boundary line adjustment would result in dedication of a larger on-site biological open space easement than required to offset habitat removal. The proposed MHPA dedication area (Proposed Lot 3) contains sensitive native habitats. All direct impacts to sensitive species would be mitigated in accordance with the City's Biology Guidelines and the MSCP. The proposed project impacts to habitat would be less than significant and none of the project features would directly impact any City wetlands or their buffers. As such, the proposed buildings are sited in appropriate locations, best physically suited for development

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project includes a conservation easement encumbering the entire south mesa of the project site to ensure that the Institute doesn't expand development into this area of the campus. This easement minimizes impacts to environmentally sensitive lands and natural land forms that might result from the proposed development. The proposed buildings are sited in an appropriate location that will not result in undue risk from geologic and erosional forces, flood hazards or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project includes a conservation easement encumbering the entire south mesa of the project site to ensure that the Institute doesn't expand development into this area of the campus. This easement minimizes impacts to environmentally sensitive lands and natural land forms that might result from the proposed development. The proposed easement would allow more existing native habitat to remain on site. The site is located adjacent to the existing MHPA, and an MHPA boundary line adjustment is proposed to allow dedication of 1.27 acres of additional property into the MHPA to offset habitat impacts within the MHPA. In addition to increasing the size of the MHPA, this additional land area will help to prevent adverse edge effects on the adjacent MHPA areas. As

such, the proposed buildings are sited in an appropriate location that will least impact adjacent environmentally sensitive lands.

d. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. A MHPA boundary adjustment and conservation easement is proposed conserve sensitive biological resources. The adjustment will increase the size of the MHPA by 1.27 acres. The MHPA boundary line adjustment would improve the overall habitat function, wildlife movement, preserve configuration, and management of the MHPA. The project would avoid or minimize all direct and indirect impacts to the MHPA through conformance to the City's MHPA Land Use Adjacency Guidelines. As such, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

e. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. [BMPs] that will be implemented both pre- and post-construction. The BMPs include, but are not limited to, on-site vegetated drainage swales and detention/desiltation basins to reduce surface water runoff and velocities, which will ensure water runoff will not increase downstream siltation or overall water runoff from the project that could cause beach sand erosion. As such, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. All mitigation measures identified within the EIR have been incorporated into the permit conditions for the proposed development.

The proposed development's mitigation measures reduce the impact of the proposed project to below a level of significance in all areas except traffic, the impacts to which are considered to be cumulatively significant and unmitigable. With respect to traffic, the project applicant has agreed to mitigation that otherwise would be appropriate to reduce the project's impact to a level less than significant. However, because the I-5/Genesee interchange project is

not formally funded, the City is not able to make this conclusion with regard to cumulative impacts. As such, all mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development has been incorporated into the permit conditions for the proposed development.

3. **Supplemental Site Development Permit Findings – Historical Resources Deviation for Substantial Alteration of a Designated Historical Resource**

a. **There are no feasible measures, including a less environmentally damaging alternative, that can further minimize the potential adverse effects on the designated historical resource or historical district.** The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for Scientific Research uses. The Development Intensity Element of the UCP allows this site to develop up to 500,000 square feet of scientific research facilities. The proposed project is consistent with the use and intensity. The site is bound by single family residences to the south, Open Space to the north, the Pacific Ocean to the west and the University of Southern California – San Diego [UCSD] Campus to the east.

The Salk Institute was originally constructed in the early to mid-1960s and opened in 1965. Currently, approximately 18.4 acres of the site are developed with approximately 289,800 square-feet of scientific, research, and support facilities. The entire Salk Institute property has been determined to be eligible for the National Register of Historic Places [NRHP]. In August 2005, the California State Historical Resources Commission [SHRC] concurred with neighbors of the Institute (La Jolla Farms Homeowners and Friends of Salk Canyon) who nominated the Institute for listing on the NRHP. On February 27, 1991, the San Diego Historic Sites Board voted to include the Salk Institute as Historic Site No. 304 in the San Diego Historical Resources Register on the basis of its association with Louis Kahn and Jonas Salk and for its “architectural significance.”

The Secretary of the Interior’s Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings [Rehabilitation Standards] provide guidance for reviewing proposed work to historic properties. The proposed project is consistent with Rehabilitation Standards 1, 3 through 8 and 10, but would not be entirely consistent with Rehabilitation Standards 2 and 9. In a September 2006 Historical Resources Board [HRB] Meeting, the board determined that the proposed project would not be consistent with two of the Rehabilitation Standards due to impacts to historic landscaping and spatial relationships in the east parking lot.

A MMRP has been established to reduce potential historical resource impacts related to spatial relationships and the east parking lot landscaping, associated with Rehabilitation Standards 2 and 9. Proposed mitigation consists of carefully removing all healthy Chinese Fringe trees within the existing east parking lot and replanting the trees as part of the landscaping for the proposed Torrey East Building. The landscape concept plan shall restore as much of the

Institute's original perimeter plantings as possible. Final design of the Torrey East Building shall feature a ground-level, two-story transparent atrium space designed to permit limited visibility along the same axis as the courtyard of the original laboratory building. The proposed mitigation would minimize potential impacts to the historical resources on the site.

b. The deviation is the minimum necessary to afford relief and accommodate the development and all feasible measures to mitigate for the loss of any portion of the historical resource have been provided by the applicant. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed project is located in the Torrey Pines Subarea of the University Community Plan, and is designated for Scientific Research uses. The Development Intensity Element of the UCP allows this site to develop up to 500,000 square feet of scientific research facilities. The proposed project is consistent with the use and intensity. The site is bound by single family residences to the south, open space to the north, the Pacific Ocean to the west and the University of Southern California – San Diego (UCSD) Campus to the east.

An MMRP has been established to reduce potential historical resource impacts related to spatial relationships and the east parking lot landscaping, associated with Rehabilitation Standards 2 and 9. Proposed mitigation consists of carefully removing all healthy Chinese Fringe trees within the existing east parking lot and replanting the trees as part of the landscaping for the proposed Torrey East Building. The landscape concept plan shall restore as much of the Institute's original perimeter plantings as possible. Final design of the Torrey East Building shall feature a ground-level, two-story transparent atrium space designed to permit limited visibility along the same axis as the courtyard of the original laboratory building. Therefore, the project deviations are the minimum necessary to afford relief. The proposed project mitigation measures incorporate all feasible measures to reduce potential impacts to historical resources resulting from change in spatial relationships and the east parking lot landscaping.

c. The denial of the proposed development would result in economic hardship to the owner. For purposes of this finding, "economic hardship" means there is no reasonable beneficial use of a property and it is not feasible to derive a reasonable economic return from the property. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the University Community Plan and the North City Local Coastal Program. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for scientific research uses. The Development Intensity Element of the UCP allows this site to develop up to 500,000 square feet of scientific research facilities. The proposed project conforms to the limits on use and intensity. The site is bound by single-family residences to the south, Open Space to the north, the Pacific Ocean to the west and the University of Southern California – San Diego (UCSD) Campus to the east.

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The UCP allocates a total of 500,000 square-feet of scientific research uses to the project site. The site is currently developed with 289,800 square-feet of scientific research uses. Since the Salk Institute was founded, there have been changes in the scientific research field, including new technologies, the shifting demographics of the scientists to a younger and more gender-mixed population, and increases in needed employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and provides for the accommodation of new and emerging research technologies. If the Institute were not allowed to expand as proposed in this project, it would serve as an economic hardship to the Institute.

C. PLANNED DEVELOPMENT PERMIT FINDINGS – SDMC SECTION 126.0604

1. The proposed development will not adversely affect the Applicable land use plan. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The proposed project is located in the Torrey Pines Subarea of the University Community Plan, and is designated for Scientific Research uses. The Development Intensity Element of the University Community Plan identifies that this site is able to develop up to 500,000 square feet of Scientific Research uses. The proposed project is consistent with the use and intensity. The University Community Plan [UCP] allocates a total of 500,000 square-feet of Scientific Research uses to the project site. The site is currently developed with 289,800 square-feet of Scientific Research uses. Since the Salk Institute was founded, there have been changes in the scientific research field, including the introduction of new technologies, the shifting demographics of the scientists themselves toward a younger and more gender-mixed population, and increases in the number of employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and provides for the accommodation of new and emerging research technologies. Therefore, the project will not adversely affect the adopted land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development has been designed and will be constructed to meet all applicable zoning codes, building, fire and other regulations applicable to this type of development as imposed by the City of San Diego, the State of California and all federal agencies. An EIR has been prepared for the project in accordance with CEQA. An MMRP has been incorporated into the permit conditions and will be implemented to address the following environmental issues: Biological Resources, Historical Resources (Designated Site), Historical

Resources (Archaeology), Noise, Paleontological Resources, and Traffic. As such, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development will provide expanded scientific research facilities as is designated within the UCP. Further, the proposed development is consistent with the existing scale of the current buildings on the project site and is designed to minimize visual impacts by maintaining the spatial relationship between the buildings within the entire campus. The proposed development is architecturally consistent in terms of style and materials with the existing buildings on site and also with the surrounding development and the adjoining community.

The proposed development has been designed to comply with the Land Development Code, including requirements for zoning, setbacks, floor area ratio, street design, open space, grading, landscaping, parking, and all other development criteria requirements, as allowed through a Planned Development Permit. Implementation of the Salk project will require a deviation from the height restrictions of the base residential use zone RS-1-7 for the Salk Community Center, although the entire project is consistent with the Coastal Height Limit Overlay Zone. Upon the approval of such deviation, the project will fully comply with the regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project site is designated scientific research within the UCP. The project area was developed in the 1960's through Conditional Use Permit No. 3841, which has been through several amendments to bring the site to its current configuration of buildings on the campus.

The proposed project would provide public benefits to the City of San Diego by realizing the preservation and dedication of land into the MHPA. The Salk project has been designed and will be developed in accordance with the UCP and the North City Local Coastal Program land use plan to assure that the theme, architectural character, development considerations, and functional concepts of the Plans are implemented. The proposed project would also be consistent with the General Plan. All new development areas have been sited in response to a range of environmental considerations including sensitive landforms, steep slopes, and sensitive biological habitats. The proposed development provides landscaping plans, architectural and landscape design guidelines to ensure creation of an aesthetically pleasing project that

complements the existing landscape and permanent structures on site, respects the site's historical integrity and landscape with high design standards and enhances publicly accessible views in the project area.

The proposed development will provide additional laboratory, research, and design facilities on the Salk Institute campus as are necessary to continue their research. Since the Salk Institute was founded, there have been changes in the scientific research field, including new technologies, shifting demographics of the scientists to a younger and more gender-mixed population, and increases in needed employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and provides for the accommodation of new and emerging research technologies. As such, the proposed uses are appropriate at the proposed location and the proposed development will be beneficial to the entire community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project is requesting a deviation from the 30-foot height limit in the RS-1-7 residential zone (SDMC Table 131-04D and SDMC section 131.0444(b) for the Salk Community Center Building. Strict adherence to this section of the Municipal Code would not be consistent with the existing buildings on the site that are part of the Historical Designation as Site No. 304 by the Historical Resources Board.

The proposed expansion of the Salk Institute campus is designed to meet the goals envisioned by Jonas Salk and Louis Kahn's original Master Plan. The original plan included space for administrative offices, meeting rooms, an auditorium, and dining facilities, all of which will be provided for by the proposed Salk Community Center Building. However, the proposed Salk Community Center Building requires a deviation from the height restrictions in the RS-1-7 zone, this deviation is necessary to accomplish the project goals and realize the vision of the Kahn/Salk Master Plan, and allow the public benefits of the project.

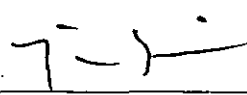
As an historically designated site, the proposed development is subject to specific design criteria that would be unable to be met with strict adherence to the height limit of the RS-1-7 zone under the SDMC. However, all buildings proposed in the Master Plan will comply with the City's Coastal Height Limit Overlay Zone requirements. The new Master Plan will minimize its visual impact to the maximum extent feasible and will be designed in conformance with applicable development regulations and the UCP. The UCP designates the project site for scientific research use. The proposed project is consistent with this land use recommendation and development standards in effect for the subject property pursuant to the adopted UCP.

The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, Coastal Development Permit No. 126996/Site Development Permit No. 127002/Master Planned Development Permit No. 561577/Multiple Habitat Planning Area (MHPA) boundary line adjustment, and amendment to Coastal Development /Hillside Resource Protection/Conditional Use Permit No. 90-1140 is granted to the Salk Institute for Biological Studies, a California non-profit public benefit corporation, Owner/Permittee, under the terms, and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Nina M. Fain
Deputy City Attorney

NMF:mm
10/02/08
Or.Dept:DSD
R-2007-325
MMS#6729

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3122

COASTAL DEVELOPMENT PERMIT NO. 126996/
SITE DEVELOPMENT PERMIT NO. 127002/
MASTER PLANNED DEVELOPMENT PERMIT NO. 561577/
MHPA BOUNDARY LINE ADJUSTMENT
SALK INSTITUTE [MMRP]
AMENDMENT TO COASTAL DEVELOPMENT PERMIT [CDP]/HILLSIDE RESOURCE
PROTECTION [HRP]/ CONDITIONAL USE PERMIT [CUP] No. 90-1140
CITY COUNCIL

This Coastal Development Permit No. 126996/Site Development Permit No. 127002/Master Planned Development Permit No. 561577/Multiple Habitat Planning Area [MHPA] Boundary Line Adjustment, (Amendment to CDP/HRP/CUP No. 90-1140, is granted by the City Council of the City of San Diego to the Salk Institute For Biological Studies, a California Nonprofit Public Benefit Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0708, 126.0504, 126.0604 and 125.1040. The 26.34-acre site is located at 10010 North Torrey Pines Road in the RS-1-7 zone, Coastal Overlay (Appealable), Coastal Height Limit Overlay, and Community Plan Implementation Overlay (Area A – CPIOZ-A) Zones within the University Community Plan area. The project site is legally described as Portion of Parcel 1 of Parcel Map No. 14013.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of Laboratory and Research and Development, for a total build out of 476,000 square feet, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] including Design Guidelines dated _____, on file in the Development Services Department.

The project shall include:

- a. Demolition of West Buildings (20,000 square-feet) and Accessory Building (9,000 square-feet);
- b. Construction of the Torrey East Laboratory Building (94,200 square-feet), Salk Community Center Building (117,000 square-feet), North Peninsula Underground Parking Facility, and Greenhouses (4,000 square-feet);
- c. Deviation from the 30-foot height limit in the RS-1-7 residential zone (SDMC Table 131-04D and SDMC section 131.0444(b) for the Salk Community Center Building. This building, and all others proposed in the Master Plan will comply with the City's Coastal Height Limit Overlay Zone requirements within SDMC section 132.0505.
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.

4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
10. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

13. This permit incorporates CDP/HRP/CUP No. 90-1140, which amended CUP No. 3841.

14. This Permit may be developed in phases. Each phase shall be constructed consistent with the conditions and exhibits approved for each respective phase per the approved Design Guidelines dated June 27, 2008 and approved Exhibit "A" dated _____.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

16. The mitigation measures specified in the MMRP, and outlined in Environmental Impact Report [EIR] No. 44675, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

17. The Owner/Permittee shall comply with the MMRP as specified in EIR No. 44675, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Historical Resources (Designated Site)
- Historical Resources (Archaeology)
- Noise
- Paleontological Resources
- Traffic

18. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

19. The Master Planned Development Permit, Site Development Permit and Coastal Development Permit shall comply with the conditions of Vesting Tentative Map No. 369518.

20. The Owner/Permittee shall construct City standard sidewalk on Torrey Pine Scenic Drive, from the most westerly lot boundary to meet the existing sidewalk. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Community Center Building.

21. The Owner/Permittee shall replace the damaged curb and uplifted sidewalk on North Torrey Pines Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Torrey East Building.

22. The Owner/Permittee shall replace the existing pedestrian ramps with new City standard pedestrian ramps with truncated domes, at the southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, at the northwest corner of Salk Institute Road and North Torrey Pines Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Torrey East Building.

23. The Owner/Permittee shall replace the existing pedestrian ramp with City standard pedestrian ramp with truncated domes, at the terminus of Salk Institute Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Day Care Facility.

24. The Owner/Permittee shall close all non-utilized driveways, on Torrey Pines Scenic Drive and Salk Institute Road, with City standard curb, gutter and sidewalk. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the building adjacent to the proposed improvements.
25. The Owner/Permittee shall install three 30-foot wide City standard driveways on Torrey Pines Scenic Drive and one 30-foot wide standard driveway on Salk Institute Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the building adjacent to the proposed improvements.
26. The Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private storm drain systems, curb-outlets, retaining walls, landscape and irrigation locate in the public right-of-way and easements.
27. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
28. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
29. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
30. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
31. The Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
32. This project proposes to export 250,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.
33. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a

Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

34. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99-08 DWQ.

LANDSCAPE REQUIREMENTS:

35. Prior to issuance of any construction permits, landscape construction documents for the revegetation and hydro-seeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A."

36. The Owner/Permittee shall monitor of the relocation of the Chinese fringe trees by a landscape architect to assure proper treatment. The health of the transplanted trees shall be monitored periodically by a landscape architect and any necessary remedial measures shall be taken to assure successful relocation of these historic trees. All other landscape treatment considered mitigation for historic resources shall be similarly monitored and success assured to the satisfaction of the Historical Resources Board staff.

37. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Owner/Permittee shall initiate such measures as soon as the grading and disturbance has been completed. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Land Development Manual: Landscape Standards.

38. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

39. Prior to issuance of any grading permits, complete landscape construction documents, including an automatic permanent irrigation system, shall be submitted to the City Manager for approval. The plans shall be in substantial conformance to Exhibit "A."

40. Prior to the issuance of any construction permits, the Owner/Permittee shall complete a Maintenance Assessment District Agreement form for early confirmation.

41. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A", Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."
42. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.
43. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
44. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
45. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy or a Final Landscape Inspection.
46. Prior to issuance of any construction permit for parking structures or for landscape proposed above a structure, the Owner/Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.
47. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

48. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Plan.

49. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows for PROPOSED BUILDINGS: 30' Zone One and 20-30' Zone Two shall be planted and maintained per Exhibit "A," Brush Management Program, sheet L-5.

50. Brush Management for existing buildings is provided under previously recorded agreement 1992-0533322 O.R. on file with the County Recorder of San Diego California and reproduced on Exhibit "A."

51. Prior to issuance of any construction permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

52. Prior to issuance of any construction permits, a complete set of brush management construction documents shall be submitted for approval to the Development Services Department and the Fire Marshall. The construction documents shall be in substantial Conformance with Exhibit "A" and shall comply with SDMC section 55.0101, Land Development Code section 142.0412, and the Land Development Manual - Landscape Standards.

53. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted, while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the Development Services Department approval.

54. The Owner/Permittee shall be responsible to schedule an on-site, pre-construction meeting with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.

55. In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Staff and Environmental Staff in the Development Services Department.

56. Prior to final inspection and the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.

57. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

58. No fewer than 1,046 off-street automobile parking spaces (1,086 automobile spaces provided), including twenty-one accessible spaces (twenty-six accessible spaces provided) and 143 carpool spaces (150 carpool spaces provided), shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Additionally, thirty-nine motorcycle spaces and twenty-five bicycle spaces (with shower and locker facilities), shall

also be provided. All on-site parking stalls and drive aisle shall comply at all times with the SDMC, and shall not be converted and/or utilized for any other purpose.

59. Any sculpture or other standing design element shall be prohibited at the west side of the proposed Torrey East Building.

60. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

61. All signs associated with this development shall be consistent with sign criteria established by the Sign Program dated January 17, 1995, provided as Appendix 10 within the Design Guidelines, dated June 27, 2008.

62. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

63. The Owner/Permittee shall provide and maintain a Transportation Demand Management Plan. The Owner/Permittee shall provide an employee private shuttle service between the project and the regional transportation centers, and provide transit pass subsidies for the employees. The Owner/Permittee shall provide a kiosk or bulletin board displays information on transit uses, carpooling, and other forms of ridesharing.

64. The Owner/Permittee shall provide a fair-share contribution toward the construction of the interchange at Genesee Avenue and I-5 interchange, for total fair-share of \$353,000.

65. The Owner/Permittee shall provide a Rideshare Information kiosk or bulletin board that displays information on transit use, carpooling, and other forms of ridesharing, as indicated on Exhibit "A," satisfactory to the City Engineer.

66. A minimum of five off-street loading spaces (six spaces shown) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all off-street loading space dimensions shall be in compliance with requirements of SDMC section 142.1010, and shall not be converted and/or utilized for any other purpose.

WASTEWATER REQUIREMENTS:

67. Prior to the issuance of any construction permits, the Owner/Permittee shall vacate onsite public sewer easements, satisfactory to the City of San Diego Director of Public Utilities.

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68. Prior to submittal of public improvement drawings, including grading plans, the Owner/Permittee shall provide a hydrology study that shows the waste from the private onsite pump station/main is less than 4 hours old.
69. All onsite sewer facilities that serve the Salk Institute shall be private.
70. No trees or shrubs exceeding 3 feet in height at maturity shall be installed within 10 feet of any public sewer facilities.
71. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
72. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code.

WATER REQUIREMENTS:

73. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway along North Torrey Pines Road, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of Public Utilities and the City Engineer. All new on-site water facilities shall be private.
74. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a new irrigation water service(s) in a manner satisfactory to the Director of Public Utilities and the City Engineer. All private on-site irrigation systems shall be designed to utilize reclaimed water. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connection between the two systems.
75. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each existing and proposed water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.
76. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
77. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

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78. Prior to the issuance of any construction permits, the Owner/Permittee shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures, enhanced paving, private utilities or landscaping, proposed to be located within the public rights-of-way adjacent to the project. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on _____,
Resolution No. _____.

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Coastal Development Permit No. 126996
Site Development Permit No. 127002
Master Planned Development Permit No. 561577
MHPA Boundary Line Adjustment
Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Laura C. Black
TITLE: Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**THE SALK INSTITUTE
FOR BIOLOGICAL STUDIES**
Owner/Permittee

By _____
Garry Van Gerpen
Director of Facilities

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

(C)

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING COASTAL DEVELOPMENT PERMIT NO. 126996, SITE DEVELOPMENT PERMIT NO. 127002, MASTER PLANNED DEVELOPMENT PERMIT NO. 561577, MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT, AND AMENDMENT TO COASTAL DEVELOPMENT/ HILLSIDE RESOURCE PROTECTION/CONDITIONAL USE PERMIT NO. 90-1140 FOR THE SALK INSTITUTE PROJECT.

WHEREAS, the Salk Institute for Biological Studies, a California non-profit public benefit corporation, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit/site development permit, master planned development permit, Multi-Habitat Planning Area [MHPA] boundary line adjustment, and amendment to Coastal Development Permit/Hillside Resource Protection [HRP]/Conditional Use Permit [CUP] No.90-1140 for the Salk Institute Project to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet on portions of a 26.34-acre site, located at 10010 North Torrey Pines Road and legally described as Portion of Parcel 1 of Parcel Map No.14013, in the University Community Plan [UCP] area, in the R-S-1-7 zone, Coastal Overlay (Appealable), Coastal Height Limit Overlay, and Community Plan Implementation Overlay (Area A – CPIOZ-A) Zones; and

WHEREAS, on September 4, 2008, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No.126996, Site Development Permit [SDP] No.127002, Master Planned Development Permit [MPDP] No. 561577/MHPA boundary

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line adjustment, and amendment to CDP/HRP/CUP No. 90-1140, pursuant to the Land Development Code of the City of San Diego and pursuant to Resolution No.4445-PC voted to recommend to the City Council the approval of the Permits; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning same; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings, with respect to CDP No. 126996/SDP No. 127002/MPDP No. 561577/MHPA boundary line adjustment, and amendment to CDP/HRP/CUP No. 90-1140:

A. COASTAL DEVELOPMENT PERMIT FINDINGS - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development does not encroach on any existing physical access way that is legally used by the public or any proposed public access way identified in the Local Coastal Program land use plan.

The proposed location of buildings on the project site would prevent blockage of the public view corridors identified in the UCP. While the proposed Salk Community Center

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Building would encroach into certain long-range views of the ocean and the La Jolla coastline from Torrey Pines Scenic Drive, the proposed Community Center Building would not encroach into any designated view corridor within the UCP. Furthermore, the proposed project would enhance public views by removing visual clutter caused by the existing parking lot and lighting and would create a substantial view corridor atop the proposed underground parking garage. The proposed development creating this view corridor would be consistent with local and regional land use documents protecting views, including the UCP, the North City Local Coastal Program land use plan, and the City's General Plan. Therefore, the proposed development will enhance and protect public views to and along the ocean.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project would require a conservation easement to encumber the entire south mesa of the project site to ensure that the Institute doesn't expand development into this area of the campus. This easement will minimize potential impacts to environmentally sensitive lands.

The proposed development would impact 0.08 acres of sensitive on-site vegetation, including 0.03 acres of maritime succulent scrub (Tier I), and 0.05 acres of Diegan coastal sage scrub (Tier II). In addition, impacts to 8.9 acres of non-sensitive, disturbed habitat would be less than significant according to the City's Multiple Species Conservation Program [MSCP] and the Biology Guidelines. The project would also conform to the MSCP Guidelines with regard to land use adjacency requirements. The proposed MHPA boundary line adjustment would result in dedication of a larger on-site biological open space easement than required to offset habitat removal. The proposed MHPA dedication area (Proposed Lot 3) contains sensitive native habitats. All direct impacts to sensitive species would be mitigated in accordance with the City's Biology Guidelines and the MSCP. The proposed project impacts to habitat would be less than significant and none of the project features would directly impact any City wetlands or their buffers. As such, the proposed buildings are sited in appropriate locations, best physically suited for development and will not adversely impact environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for Scientific Research uses. The Development Intensity Element of the UCP allows up to 500,000 square feet of scientific research facilities to be developed on this site. The proposed project is consistent with the use and intensity. The site is currently developed with 289,800 square-feet of scientific research facilities. The proposed development conforms to the University Community Plan and North City Local Coastal Program land use plan. The project

would implement the land use plans by expanding the Institute's scientific research facilities in a manner that balances the sensitive natural and historic resources with the Institute's expanding research needs. Therefore, the project is in conformity with the certified coastal program land use plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The western property line of the Salk Institute site is approximately 1200 feet from the Pacific Ocean shoreline. The first public roadway adjacent to this property is North Torrey Pines Road. The first public roadway from the Pacific Ocean is North Torrey Pines Road. There will be no impacts to public parking because the development would provide the required off-street parking spaces. The project is surrounded by development to the east and south, with city owned park land to the north of the project site. The proposed coastal development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. SITE DEVELOPMENT PERMIT FINDINGS – SDMC SECTION 126.0504:

1. Findings for all Site Developments

a. The proposed development will not adversely affect the applicable land use plan. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for scientific research uses. The Development Intensity Element of the UCP allows up to 500,000 square feet of scientific research facilities to be developed on this site. The proposed project is consistent with the use and intensity. The site is currently developed with 289,800 square-feet of scientific research facilities. Since the Salk Institute was founded, there have been changes in the scientific research field, including new technologies, shifting demographics of the scientists to a younger and more gender-mixed population, and increases in the number of employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and accommodates new and emerging research technologies. Therefore, the project will not adversely affect the adopted land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre

site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the University Community Plan and the North City Local Coastal Program. The proposed development has been designed and will be constructed to meet all applicable zoning, building, fire, and other regulations as imposed by the City of San Diego, the State of California, and all federal agencies. An Environmental Impact Report [EIR] has been prepared for the project in accordance with the California Environmental Quality Act [CEQA]. A Mitigation, Monitoring, and Reporting Program [MMRP] has been incorporated into the permit conditions and will address the following environmental issues: Biological Resources, Historical Resources (Designated Site), Historical Resources (Archaeology), Noise, Paleontological Resources, and Traffic. As such, the proposed development will not be detrimental to the public health, safety, and welfare.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development will provide scientific research facilities as designated within the UCP. Further, the proposed development is consistent with the scale of the existing buildings on the project site and is designed to minimize visual impacts by maintaining the spatial relationship between the buildings within the entire campus. The proposed development is architecturally consistent in terms of style and materials with the existing buildings on site and also with the surrounding development and the adjoining community.

The proposed development has been designed to comply with the Land Development Code, including requirements for zoning, setbacks, floor area ratio, street design, open space, grading, landscaping, parking, and all other development criteria, as allowed through a Planned Development Permit. Development of the Salk Community Center will require a deviation from the 30 foot height restriction of the residential base zone RS-1-7, although the entire project meets the height restrictions of the Coastal Height Limit Overlay Zone. Upon the approval of such deviation, the project will fully comply with the regulations of the Land Development Code.

2. Supplemental Site Development Permit Findings – Environmentally Sensitive Lands

a. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project would require a conservation easement to encumber the entire south mesa of the project site to ensure that the Institute doesn't expand development into this

area of the campus. This easement will minimize potential impacts to environmentally sensitive lands.

The proposed development would impact 0.08 acres of sensitive on-site vegetation, including 0.03 acres of maritime succulent scrub (Tier I), and 0.05 acres of Diegan coastal sage scrub (Tier II). In addition, impacts to 8.9 acres of non-sensitive, disturbed habitat would be less than significant according to the City's MSCP and the Biology Guidelines. The project would also conform to the MSCP Guidelines with regard to land use adjacency requirements. The proposed MHPA boundary line adjustment would result in dedication of a larger on-site biological open space easement than required to offset habitat removal. The proposed MHPA dedication area (Proposed Lot 3) contains sensitive native habitats. All direct impacts to sensitive species would be mitigated in accordance with the City's Biology Guidelines and the MSCP. The proposed project impacts to habitat would be less than significant and none of the project features would directly impact any City wetlands or their buffers. As such, the proposed buildings are sited in appropriate locations, best physically suited for development

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project includes a conservation easement encumbering the entire south mesa of the project site to ensure that the Institute doesn't expand development into this area of the campus. This easement minimizes impacts to environmentally sensitive lands and natural land forms that might result from the proposed development. The proposed buildings are sited in an appropriate location that will not result in undue risk from geologic and erosional forces, flood hazards or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project includes a conservation easement encumbering the entire south mesa of the project site to ensure that the Institute doesn't expand development into this area of the campus. This easement minimizes impacts to environmentally sensitive lands and natural land forms that might result from the proposed development. The proposed easement would allow more existing native habitat to remain on site. The site is located adjacent to the existing MHPA, and an MHPA boundary line adjustment is proposed to allow dedication of 1.27 acres of additional property into the MHPA to offset habitat impacts within the MHPA. In addition to increasing the size of the MHPA, this additional land area will help to prevent adverse edge effects on the adjacent MHPA areas. As

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such, the proposed buildings are sited in an appropriate location that will least impact adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. A MHPA boundary adjustment and conservation easement is proposed conserve sensitive biological resources. The adjustment will increase the size of the MHPA by 1.27 acres. The MHPA boundary line adjustment would improve the overall habitat function, wildlife movement, preserve configuration, and management of the MHPA. The project would avoid or minimize all direct and indirect impacts to the MHPA through conformance to the City's MHPA Land Use Adjacency Guidelines. As such, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. [BMPs] that will be implemented both pre- and post-construction. The BMPs include, but are not limited to, on-site vegetated drainage swales and detention/desiltation basins to reduce surface water runoff and velocities, which will ensure water runoff will not increase downstream siltation or overall water runoff from the project that could cause beach sand erosion. As such, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. All mitigation measures identified within the EIR have been incorporated into the permit conditions for the proposed development.

The proposed development's mitigation measures reduce the impact of the proposed project to below a level of significance in all areas except traffic, the impacts to which are considered to be cumulatively significant and unmitigable. With respect to traffic, the project applicant has agreed to mitigation that otherwise would be appropriate to reduce the project's impact to a level less than significant. However, because the I-5/Genesee interchange project is

not formally funded, the City is not able to make this conclusion with regard to cumulative impacts. As such, all mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development has been incorporated into the permit conditions for the proposed development.

3. **Supplemental Site Development Permit Findings – Historical Resources Deviation for Substantial Alteration of a Designated Historical Resource**

a. **There are no feasible measures, including a less environmentally damaging alternative, that can further minimize the potential adverse effects on the designated historical resource or historical district.** The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for Scientific Research uses. The Development Intensity Element of the UCP allows this site to develop up to 500,000 square feet of scientific research facilities. The proposed project is consistent with the use and intensity. The site is bound by single family residences to the south, Open Space to the north, the Pacific Ocean to the west and the University of Southern California – San Diego [UCSD] Campus to the east.

The Salk Institute was originally constructed in the early to mid-1960s and opened in 1965. Currently, approximately 18.4 acres of the site are developed with approximately 289,800 square-feet of scientific, research, and support facilities. The entire Salk Institute property has been determined to be eligible for the National Register of Historic Places [NRHP]. In August 2005, the California State Historical Resources Commission [SHRC] concurred with neighbors of the Institute (La Jolla Farms Homeowners and Friends of Salk Canyon) who nominated the Institute for listing on the NRHP. On February 27, 1991, the San Diego Historic Sites Board voted to include the Salk Institute as Historic Site No. 304 in the San Diego Historical Resources Register on the basis of its association with Louis Kahn and Jonas Salk and for its “architectural significance.”

The Secretary of the Interior’s Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings [Rehabilitation Standards] provide guidance for reviewing proposed work to historic properties. The proposed project is consistent with Rehabilitation Standards 1, 3 through 8 and 10, but would not be entirely consistent with Rehabilitation Standards 2 and 9. In a September 2006 Historical Resources Board [HRB] Meeting, the board determined that the proposed project would not be consistent with two of the Rehabilitation Standards due to impacts to historic landscaping and spatial relationships in the east parking lot.

A MMRP has been established to reduce potential historical resource impacts related to spatial relationships and the east parking lot landscaping, associated with Rehabilitation Standards 2 and 9. Proposed mitigation consists of carefully removing all healthy Chinese Fringe trees within the existing east parking lot and replanting the trees as part of the landscaping for the proposed Torrey East Building. The landscape concept plan shall restore as much of the

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Institute's original perimeter plantings as possible. Final design of the Torrey East Building shall feature a ground-level, two-story transparent atrium space designed to permit limited visibility along the same axis as the courtyard of the original laboratory building. The proposed mitigation would minimize potential impacts to the historical resources on the site.

b. The deviation is the minimum necessary to afford relief and accommodate the development and all feasible measures to mitigate for the loss of any portion of the historical resource have been provided by the applicant. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed project is located in the Torrey Pines Subarea of the University Community Plan, and is designated for Scientific Research uses. The Development Intensity Element of the UCP allows this site to develop up to 500,000 square feet of scientific research facilities. The proposed project is consistent with the use and intensity. The site is bound by single family residences to the south, open space to the north, the Pacific Ocean to the west and the University of Southern California – San Diego (UCSD) Campus to the east.

An MMRP has been established to reduce potential historical resource impacts related to spatial relationships and the east parking lot landscaping, associated with Rehabilitation Standards 2 and 9. Proposed mitigation consists of carefully removing all healthy Chinese Fringe trees within the existing east parking lot and replanting the trees as part of the landscaping for the proposed Torrey East Building. The landscape concept plan shall restore as much of the Institute's original perimeter plantings as possible. Final design of the Torrey East Building shall feature a ground-level, two-story transparent atrium space designed to permit limited visibility along the same axis as the courtyard of the original laboratory building. Therefore, the project deviations are the minimum necessary to afford relief. The proposed project mitigation measures incorporate all feasible measures to reduce potential impacts to historical resources resulting from change in spatial relationships and the east parking lot landscaping.

c. The denial of the proposed development would result in economic hardship to the owner. For purposes of this finding, "economic hardship" means there is no reasonable beneficial use of a property and it is not feasible to derive a reasonable economic return from the property. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the University Community Plan and the North City Local Coastal Program. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for scientific research uses. The Development Intensity Element of the UCP allows this site to develop up to 500,000 square feet of scientific research facilities. The proposed project conforms to the limits on use and intensity. The site is bound by single-family residences to the south, Open Space to the north, the Pacific Ocean to the west and the University of Southern California – San Diego (UCSD) Campus to the east.

The UCP allocates a total of 500,000 square-feet of scientific research uses to the project site. The site is currently developed with 289,800 square-feet of scientific research uses. Since the Salk Institute was founded, there have been changes in the scientific research field, including new technologies, the shifting demographics of the scientists to a younger and more gender-mixed population, and increases in needed employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and provides for the accommodation of new and emerging research technologies. If the Institute were not allowed to expand as proposed in this project, it would serve as an economic hardship to the Institute.

C. PLANNED DEVELOPMENT PERMIT FINDINGS – SDMC SECTION 126.0604

1. The proposed development will not adversely affect the Applicable land use plan. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The proposed project is located in the Torrey Pines Subarea of the University Community Plan, and is designated for Scientific Research uses. The Development Intensity Element of the University Community Plan identifies that this site is able to develop up to 500,000 square feet of Scientific Research uses. The proposed project is consistent with the use and intensity. The University Community Plan [UCP] allocates a total of 500,000 square-feet of Scientific Research uses to the project site. The site is currently developed with 289,800 square-feet of Scientific Research uses. Since the Salk Institute was founded, there have been changes in the scientific research field, including the introduction of new technologies, the shifting demographics of the scientists themselves toward a younger and more gender-mixed population, and increases in the number of employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and provides for the accommodation of new and emerging research technologies. Therefore, the project will not adversely affect the adopted land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development has been designed and will be constructed to meet all applicable zoning codes, building, fire and other regulations applicable to this type of development as imposed by the City of San Diego, the State of California and all federal agencies. An EIR has been prepared for the project in accordance with CEQA. An MMRP has been incorporated into the permit conditions and will be implemented to address the following environmental issues: Biological Resources, Historical Resources (Designated Site), Historical

Resources (Archaeology), Noise, Paleontological Resources, and Traffic. As such, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development will provide expanded scientific research facilities as is designated within the UCP. Further, the proposed development is consistent with the existing scale of the current buildings on the project site and is designed to minimize visual impacts by maintaining the spatial relationship between the buildings within the entire campus. The proposed development is architecturally consistent in terms of style and materials with the existing buildings on site and also with the surrounding development and the adjoining community.

The proposed development has been designed to comply with the Land Development Code, including requirements for zoning, setbacks, floor area ratio, street design, open space, grading, landscaping, parking, and all other development criteria requirements, as allowed through a Planned Development Permit. Implementation of the Salk project will require a deviation from the height restrictions of the base residential use zone RS-1-7 for the Salk Community Center, although the entire project is consistent with the Coastal Height Limit Overlay Zone. Upon the approval of such deviation, the project will fully comply with the regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project site is designated scientific research within the UCP. The project area was developed in the 1960's through Conditional Use Permit No. 3841, which has been through several amendments to bring the site to its current configuration of buildings on the campus.

The proposed project would provide public benefits to the City of San Diego by realizing the preservation and dedication of land into the MHPA. The Salk project has been designed and will be developed in accordance with the UCP and the North City Local Coastal Program land use plan to assure that the theme, architectural character, development considerations, and functional concepts of the Plans are implemented. The proposed project would also be consistent with the General Plan. All new development areas have been sited in response to a range of environmental considerations including sensitive landforms, steep slopes, and sensitive biological habitats. The proposed development provides landscaping plans, architectural and landscape design guidelines to ensure creation of an aesthetically pleasing project that

complements the existing landscape and permanent structures on site, respects the site's historical integrity and landscape with high design standards and enhances publicly accessible views in the project area.

The proposed development will provide additional laboratory, research, and design facilities on the Salk Institute campus as are necessary to continue their research. Since the Salk Institute was founded, there have been changes in the scientific research field, including new technologies, shifting demographics of the scientists to a younger and more gender-mixed population, and increases in needed employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and provides for the accommodation of new and emerging research technologies. As such, the proposed uses are appropriate at the proposed location and the proposed development will be beneficial to the entire community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project is requesting a deviation from the 30-foot height limit in the RS-1-7 residential zone (SDMC Table 131-04D and SDMC section 131.0444(b) for the Salk Community Center Building. Strict adherence to this section of the Municipal Code would not be consistent with the existing buildings on the site that are part of the Historical Designation as Site No. 304 by the Historical Resources Board.

The proposed expansion of the Salk Institute campus is designed to meet the goals envisioned by Jonas Salk and Louis Kahn's original Master Plan. The original plan included space for administrative offices, meeting rooms, an auditorium, and dining facilities, all of which will be provided for by the proposed Salk Community Center Building. However, the proposed Salk Community Center Building requires a deviation from the height restrictions in the RS-1-7 zone, this deviation is necessary to accomplish the project goals and realize the vision of the Kahn/Salk Master Plan, and allow the public benefits of the project.

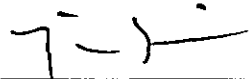
As an historically designated site, the proposed development is subject to specific design criteria that would be unable to be met with strict adherence to the height limit of the RS-1-7 zone under the SDMC. However, all buildings proposed in the Master Plan will comply with the City's Coastal Height Limit Overlay Zone requirements. The new Master Plan will minimize its visual impact to the maximum extent feasible and will be designed in conformance with applicable development regulations and the UCP. The UCP designates the project site for scientific research use. The proposed project is consistent with this land use recommendation and development standards in effect for the subject property pursuant to the adopted UCP.

The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, Coastal Development Permit No. 126996/Site Development Permit No. 127002/Master Planned Development Permit No. 561577/Multiple Habitat Planning Area (MHPA) boundary line adjustment, and amendment to Coastal Development /Hillside Resource Protection/Conditional Use Permit No. 90-1140 is granted to the Salk Institute for Biological Studies, a California non-profit public benefit corporation, Owner/Permittee, under the terms, and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Nina M. Fain
Deputy City Attorney

NMF:mm
10/02/08
Or.Dept:DSD
R-2007-325
MMS#6729

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3122

COASTAL DEVELOPMENT PERMIT NO. 126996/
SITE DEVELOPMENT PERMIT NO. 127002/
MASTER PLANNED DEVELOPMENT PERMIT NO. 561577/
MHPA BOUNDARY LINE ADJUSTMENT
SALK INSTITUTE [MMRP]
AMENDMENT TO COASTAL DEVELOPMENT PERMIT [CDP]/HILLSIDE RESOURCE
PROTECTION [HRP]/ CONDITIONAL USE PERMIT [CUP] No. 90-1140
CITY COUNCIL

This Coastal Development Permit No. 126996/Site Development Permit No. 127002/Master Planned Development Permit No. 561577/Multiple Habitat Planning Area [MHPA] Boundary Line Adjustment, (Amendment to CDP/HRP/CUP No. 90-1140, is granted by the City Council of the City of San Diego to the Salk Institute For Biological Studies, a California Nonprofit Public Benefit Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0708, 126.0504, 126.0604 and 125.1040. The 26.34-acre site is located at 10010 North Torrey Pines Road in the RS-1-7 zone, Coastal Overlay (Appealable), Coastal Height Limit Overlay, and Community Plan Implementation Overlay (Area A – CPIOZ-A) Zones within the University Community Plan area. The project site is legally described as Portion of Parcel 1 of Parcel Map No. 14013.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of Laboratory and Research and Development, for a total build out of 476,000 square feet, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] including Design Guidelines dated _____, on file in the Development Services Department.

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The project shall include:

- a. Demolition of West Buildings (20,000 square-feet) and Accessory Building (9,000 square-feet);
- b. Construction of the Torrey East Laboratory Building (94,200 square-feet), Salk Community Center Building (117,000 square-feet), North Peninsula Underground Parking Facility, and Greenhouses (4,000 square-feet);
- c. Deviation from the 30-foot height limit in the RS-1-7 residential zone (SDMC Table 131-04D and SDMC section 131.0444(b) for the Salk Community Center Building. This building, and all others proposed in the Master Plan will comply with the City's Coastal Height Limit Overlay Zone requirements within SDMC section 132.0505.
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.

4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
10. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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11. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

13. This permit incorporates CDP/HRP/CUP No. 90-1140, which amended CUP No. 3841.

14. This Permit may be developed in phases. Each phase shall be constructed consistent with the conditions and exhibits approved for each respective phase per the approved Design Guidelines dated June 27, 2008 and approved Exhibit "A" dated _____.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

16. The mitigation measures specified in the MMRP, and outlined in Environmental Impact Report [EIR] No. 44675, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

17. The Owner/Permittee shall comply with the MMRP as specified in EIR No. 44675, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Historical Resources (Designated Site)
- Historical Resources (Archaeology)
- Noise
- Paleontological Resources
- Traffic

18. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

19. The Master Planned Development Permit, Site Development Permit and Coastal Development Permit shall comply with the conditions of Vesting Tentative Map No. 369518.

20. The Owner/Permittee shall construct City standard sidewalk on Torrey Pine Scenic Drive, from the most westerly lot boundary to meet the existing sidewalk. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Community Center Building.

21. The Owner/Permittee shall replace the damaged curb and uplifted sidewalk on North Torrey Pines Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Torrey East Building.

22. The Owner/Permittee shall replace the existing pedestrian ramps with new City standard pedestrian ramps with truncated domes, at the southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, at the northwest corner of Salk Institute Road and North Torrey Pines Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Torrey East Building.

23. The Owner/Permittee shall replace the existing pedestrian ramp with City standard pedestrian ramp with truncated domes, at the terminus of Salk Institute Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Day Care Facility.

24. The Owner/Permittee shall close all non-utilized driveways, on Torrey Pines Scenic Drive and Salk Institute Road, with City standard curb, gutter and sidewalk. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the building adjacent to the proposed improvements.
25. The Owner/Permittee shall install three 30-foot wide City standard driveways on Torrey Pines Scenic Drive and one 30-foot wide standard driveway on Salk Institute Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the building adjacent to the proposed improvements.
26. The Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private storm drain systems, curb-outlets, retaining walls, landscape and irrigation locate in the public right-of-way and easements.
27. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
28. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
29. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
30. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
31. The Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
32. This project proposes to export 250,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.
33. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a

Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

34. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99-08 DWQ.

LANDSCAPE REQUIREMENTS:

35. Prior to issuance of any construction permits, landscape construction documents for the revegetation and hydro-seeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A."

36. The Owner/Permittee shall monitor of the relocation of the Chinese fringe trees by a landscape architect to assure proper treatment. The health of the transplanted trees shall be monitored periodically by a landscape architect and any necessary remedial measures shall be taken to assure successful relocation of these historic trees. All other landscape treatment considered mitigation for historic resources shall be similarly monitored and success assured to the satisfaction of the Historical Resources Board staff.

37. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Owner/Permittee shall initiate such measures as soon as the grading and disturbance has been completed. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Land Development Manual: Landscape Standards.

38. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

39. Prior to issuance of any grading permits, complete landscape construction documents, including an automatic permanent irrigation system, shall be submitted to the City Manager for approval. The plans shall be in substantial conformance to Exhibit "A."

40. Prior to the issuance of any construction permits, the Owner/Permittee shall complete a Maintenance Assessment District Agreement form for early confirmation.

41. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A", Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."
42. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.
43. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
44. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
45. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy or a Final Landscape Inspection.
46. Prior to issuance of any construction permit for parking structures or for landscape proposed above a structure, the Owner/Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.
47. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

48. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Plan.

49. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows for PROPOSED BUILDINGS: 30' Zone One and 20-30' Zone Two shall be planted and maintained per Exhibit "A," Brush Management Program, sheet L-5.

50. Brush Management for existing buildings is provided under previously recorded agreement 1992-0533322 O.R. on file with the County Recorder of San Diego California and reproduced on Exhibit "A."

51. Prior to issuance of any construction permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

52. Prior to issuance of any construction permits, a complete set of brush management construction documents shall be submitted for approval to the Development Services Department and the Fire Marshall. The construction documents shall be in substantial Conformance with Exhibit "A" and shall comply with SDMC section 55.0101, Land Development Code section 142.0412, and the Land Development Manual - Landscape Standards.

53. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted, while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the Development Services Department approval.

54. The Owner/Permittee shall be responsible to schedule an on-site, pre-construction meeting with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.

55. In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Staff and Environmental Staff in the Development Services Department.

56. Prior to final inspection and the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.

57. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

58. No fewer than 1,046 off-street automobile parking spaces (1,086 automobile spaces provided), including twenty-one accessible spaces (twenty-six accessible spaces provided) and 143 carpool spaces (150 carpool spaces provided), shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Additionally, thirty-nine motorcycle spaces and twenty-five bicycle spaces (with shower and locker facilities), shall

also be provided. All on-site parking stalls and drive aisle shall comply at all times with the SDMC, and shall not be converted and/or utilized for any other purpose.

59. Any sculpture or other standing design element shall be prohibited at the west side of the proposed Torrey East Building.

60. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

61. All signs associated with this development shall be consistent with sign criteria established by the Sign Program dated January 17, 1995, provided as Appendix 10 within the Design Guidelines, dated June 27, 2008.

62. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

63. The Owner/Permittee shall provide and maintain a Transportation Demand Management Plan. The Owner/Permittee shall provide an employee private shuttle service between the project and the regional transportation centers, and provide transit pass subsidies for the employees. The Owner/Permittee shall provide a kiosk or bulletin board displays information on transit uses, carpooling, and other forms of ridesharing.

64. The Owner/Permittee shall provide a fair-share contribution toward the construction of the interchange at Genesee Avenue and I-5 interchange, for total fair-share of \$353,000.

65. The Owner/Permittee shall provide a Rideshare Information kiosk or bulletin board that displays information on transit use, carpooling, and other forms of ridesharing, as indicated on Exhibit "A," satisfactory to the City Engineer.

66. A minimum of five off-street loading spaces (six spaces shown) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all off-street loading space dimensions shall be in compliance with requirements of SDMC section 142.1010, and shall not be converted and/or utilized for any other purpose.

WASTEWATER REQUIREMENTS:

67. Prior to the issuance of any construction permits, the Owner/Permittee shall vacate onsite public sewer easements, satisfactory to the City of San Diego Director of Public Utilities.

68. Prior to submittal of public improvement drawings, including grading plans, the Owner/Permittee shall provide a hydrology study that shows the waste from the private onsite pump station/main is less than 4 hours old.
69. All onsite sewer facilities that serve the Salk Institute shall be private.
70. No trees or shrubs exceeding 3 feet in height at maturity shall be installed within 10 feet of any public sewer facilities.
71. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
72. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code.

WATER REQUIREMENTS:

73. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway along North Torrey Pines Road, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of Public Utilities and the City Engineer. All new on-site water facilities shall be private.
74. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a new irrigation water service(s) in a manner satisfactory to the Director of Public Utilities and the City Engineer. All private on-site irrigation systems shall be designed to utilized reclaimed water. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connection between the two systems.
75. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each existing and proposed water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.
76. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
77. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

001000

78. Prior to the issuance of any construction permits, the Owner/Permittee shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures, enhanced paving, private utilities or landscaping, proposed to be located within the public rights-of-way adjacent to the project. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on _____,
Resolution No. _____.

001001

Coastal Development Permit No. 126996
Site Development Permit No. 127002
Master Planned Development Permit No. 561577
MHPA Boundary Line Adjustment
Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Laura C. Black
TITLE: Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**THE SALK INSTITUTE
FOR BIOLOGICAL STUDIES**
Owner/Permittee

By _____
Garry Van Gerpen
Director of Facilities

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
COASTAL DEVELOPMENT PERMIT NO. 126996, SITE DEVELOPMENT PERMIT NO.
127002, MASTER PLANNED DEVELOPMENT PERMIT NO. 561577, EASEMENT
ABANDONMENT NO. 130269, MHPA BOUNDARY LINE ADJUSTMENT
SALK INSTITUTE [MMRP], PROJECT NO. 44675
AMENDMENT TO COASTAL DEVELOPMENT PERMIT (CDP)/HILLSIDE RESOURCE
PROTECTION (HRP)/ CONDITIONAL USE PERMIT (CUP) No. 90-1140

WHEREAS, on September 4, 2008, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego approval and adoption of Vesting Tentative Map No. 369518, Coastal Development Permit No. 126996, Site Development Permit No. 127002, Master Planned Development Permit No. 561577, Easement Abandonment No. 130269, Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment, Amendment to CDP/HRP/CUP No. 90-1140, and Mitigation, Monitoring and Reporting Program No. 44675; and

WHEREAS, THE SALK INSTITUTE FOR BIOLOGICAL STUDIES, A California Nonprofit Public Benefit Corporation, Owner/Permittee, requested Vesting Tentative Map No. 369518, Coastal Development Permit No. 126996, Site Development Permit No. 127002, Master Planned Development Permit No. 561577, Easement Abandonment No. 130269, Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment, Amendment to CDP/HRP/CUP No. 90-1140, and Mitigation, Monitoring and Reporting Program No. 44675 for the purpose of subdividing and developing 26.3 acres for phased expansion of the existing Salk Institute Campus to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of Laboratory and Research and Development, for a total build out of 476,000 square feet; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW
THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of the City of San Diego approval and adoption of the Vesting Tentative Map No. 369518, Coastal Development Permit No. 126996, Site Development Permit No. 127002, Master Planned Development Permit No. 561577, Easement Abandonment No. 130269, Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment, Amendment to CDP/HRP/CUP No. 90-1140, and Mitigation, Monitoring and Reporting Program No. 44675.



Laura C. Black
Development Project Manager
Development Services

00 256 13 14 11

Dated September 4, 2008
By a vote of: 4:0

001004

NOTE: Planning Commission minutes for the meeting of September 4, 2008, were not available at the time of assembly of this exhibit packet.

001005



Helm No. 10-PC

330
10/21

September 2, 2008

City of San Diego
San Diego Planning Commission
202 C Street
San Diego, CA 92101

Subject: Support for Salk Institute Project NO. 44675

Dear Chair and Planning Commissioners:

BIOCOM leads the advocacy efforts of the life science community in Southern California with more than 550 members including biotechnology and medical device companies, universities, and research institutions, and service support firms. As an advocacy group, BIOCOM is actively engaged in ensuring that the life science industry remains a strong and growing sector of San Diego's economy.

BIOCOM strongly supports the proposed Salk Institute Master Plan Update. Salk is a landmark San Diego institution and a critical factor in how the San Diego life science cluster developed into one of the most robust in the world. In order for Salk to remain competitive internationally, it's clear the Institute must update its scientific and support facilities. The Institute's proposed expansion will allow it continue to be a global pioneer, which will benefit not only our regional life science industry but the regional economy as well. Salk has been diligent about listening to community concerns throughout this process and responding appropriately, changing the proposed design and footprint to address these issues.

BIOCOM respectfully requests the Planning Commission support the Salk Institute proposal, Project NO. 44675, by recommending approval to the City Council. Approval of this Master Plan Update will allow the Salk Institute to continue to attract significant investment in scientific research in San Diego, benefiting the local life science industry and our region.

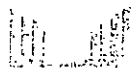
Thank you for your consideration on this very important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "J. D. Panetta".

Joseph D. Panetta

001007



SALK INSTITUTE
FOR BIOLOGICAL STUDIES

August 29, 2008

City of San Diego Planning Commission
1222 First Avenue, 4th Floor
San Diego, CA 92101

Re: Salk Institute Revised Master Plan, Hearing, September 4, 2008

Honorable Chair and Planning Commissioners:

The Faculty at The Salk Institute would like to offer their enthusiastic endorsement of the Institute's Revised Master Plan. This design realizes our vision to expand our scientific resources, as well as maintain the architectural integrity of our setting, while addressing the concerns of the community in protecting the environmentally sensitive areas. We believe this plan provides a long-term proposal to ensure the ability of the Institute to advance scientific discoveries.

We'd like to thank you for your consideration of approval of this project.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Noel", written over a horizontal line.

Dr. Joseph Noel
Chairman of Salk Academic Council

Leadership - Academic Council

The Academic Council, as the representative of the faculty, formulates academic policies of the Salk Institute. The Council deliberates in consultation with the president, and its recommendations are subject to periodic review by the voting faculty. Matters of academic policy include academic programs, academic appointments and promotions, and use of the Institute's research space.

Presently, the Academic Council consists of seven members from the ranks of professor and three members from the ranks of the associate and assistant professors, all of whom are elected by the voting faculty. The chair of the faculty is also the chair of the Academic Council and is elected to serve a one-year term.

The Academic Council establishes the academic Appointments Committee and establishes as many other faculty committees as it deems necessary for formulating and implementing academic policy. The membership of the faculty committees is approved by the president. The past chair, current chair, and chair-elect also serve on the Board of Trustees of the Salk Institute.

Joseph Noel, Ph.D.

Chair

Professor

Chemical Biology and Proteomics Laboratory

Greg Lemke, Ph.D.

Chair-Elect

Professor

Molecular Neurobiology Laboratory

John Young, Ph.D.

Past Chair

Professor

Infectious Disease Laboratory

E.J. Chichilnisky, Ph.D.

Associate Professor

Systems Neurobiology Laboratory

Joanne Chory, Ph.D.

Professor

Plant Biology Laboratory

Leanne Jones, Ph.D.

Assistant Professor

Laboratory of Genetics

Jan Karlseder, Ph.D.

Associate Professor

Molecular and Cell Biology Laboratory

Christopher Kintner, Ph.D.

Professor

Molecular Neurobiology Laboratory

Vicki Lundblad, Ph.D.

Professor

Molecular and Cell Biology Laboratory

Samuel Pfaff, Ph.D.

Professor

Gene Expression Laboratory



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San Diego Chapter

<http://sandiego.sierraclub.org>

3820 Ray Street, San Diego, CA 92104-3623
Chapter Chair: Joe Zechman: 619-709-6268
joezechman@hotmail.com
Chapter Coordinator: Cheryl Reiff 619-299-1741
creiff@sierraclubsandiego.org
Administrative Assistant: Martha Bertles 619-299-1743
mbertles@sierraclubsandiego.org

Hon. Jerry Sanders, Mayor
San Diego City Council Members
October 16, 2008

RE: SALK INSTITUTE REDEVELOPMENT PROPOSAL

Dear Mayor Sanders and Council Members:

The San Diego Sierra Club respectfully requests your approval of the attached negotiated settlement for this important redevelopment proposal. The project received unanimous approval by the local chapter, and was approved on consent by the San Diego Planning Commission September 4, 2008. As a member of the broad coalition of community groups and representatives who have worked for literally years to protect the irreplaceable historic, architectural, environmental, scientific, public access, and visual values of the Salk, the Sierra Club asks for your strong support for this excellent project.

Sincerely,

Joanne H. Pearson, Chair
San Diego Sierra Club Coastal Committee

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08 OCT 16 PM 4:37

SAN DIEGO, CALIF.

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San Diego Chapter

<http://sandiego.sierraclub.org>3820 Ray Street, San Diego, CA 92104-1623
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joezechman@gmail.com
Chapter Coordinator: Cheryl Reiff 619-299-1741
creiff@sierraclubsandiego.org
Administrative Assistant: Martha Bertles 619-299-1743
mbertles@sierraclubsandiego.orgTo: San Diego Planning Commission
MOTION: Item 10: Salk Institute, Project No. 44675, 9-4-08
Sept. 4, 2008

Request by San Diego Sierra Club Coastal Committee for Conservation Committee and Chapter approval of the 2008 modified site plan proposal for the Salk Institute redevelopment based on the following agreements:

1. Proposal would eliminate all development from the sensitive south mesa and place a conservation easement on that area. The mesa could serve as a mitigation bank for offsite developments by other entities in need of mitigation. Mitigation funds, in turn, could be used to finance Salk's redevelopment.
2. Salk's vernal pools would be preserved in perpetuity, and would serve as both buffer and filter for runoff from Torrey Pines Scenic Drive and associated structures and hardscape. The proposal would include a vernal pools interpretative feature for the public. There would be no direct impacts to or brush management within the vernal pools area.
3. The proposal would provide a 400' wide public view swath across the site to the southwest from T.P. Scenic Dr. to Torrey Pines City Park and the sea.
4. The new east building's transparent pass-through connections would allow a public vista through to the west.
5. Public physical access to Torrey Pines City Park trails through the Salk site via Salk Institute Rd. would remain open and available to pedestrians.
6. Bulk and scale of new proposal would be a significant reduction from the prior submittal.
7. Historic features of Salk structures, vistas, and landscaping would be preserved.
8. Core facility underground parking structures to the north would be overlaid with grass and greenscape similar to the Kahn laboratory buildings.
9. All temporary and outdated greenhouse/laboratory structures will be removed.
10. Features such as childcare and daycare facilities and visiting fellows facilities, previously proposed to be on site, will now more economically be located offsite.
11. Current Sierra Club support is for the modified plan. Should that plan be changed, we reserve the right to reconsider our support.

Respectfully submitted,

Joanne H. Pearson, Chair